Supreme Court U.S.
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CASE_____

IN THE UNITED STATES SUPREME COURT
FOR THE DISTRICT OF NEW MEXICO

TERM 2007
CIVIL APP. No. 2076

WILLIAM LORD PUNCHARD;

Plaintiff-appellants,

Vs,

United States Government;
U.S. Department of Justice;
President George W. Bush;
Bureau of Alchohal,Tobacco, Fire Arms
And Explosives; Carl W. Carroll

Defendant-Appellees.

Petition for an original Jurisdiction
Up from the Tenth Circuit Court of
Appeals To the Supreme Court

Petition for exclusive Original jurisdiction
and Certiorar Review

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QUESTIONS PRESENTED FOR REVIEW
(05-130)(APP. 2076)

Q.1. PL\APA (foreign Minister). PL\APA **paid** Appeal fees. Appeals Court statements **(EXHIBIT 00) Page (APP. 3) [Hi-lighted] "we disregard** any reference of Arguments Punchard **makes that depends on that alleged entity"**(Royal Gov) **existence"...** Was that lack of due Process Protection?

Q.2. did APP.C. **Mixing of two (2) unrelated Cases** do A **Double Jeopardy** Violation on the Pl\APAS?

Q.3. Was that attempted Case Mixing a failure to state a claim up on which **Dismiss motion** could be sustained?

Q.4. Did APP.C. Mixing unrelated **deferent** Cases Judges sitting violate PL|APA's Constitutional Rights to the Fifth(5^{th}) Amendment (double Jeopardy)?

Q.5. With **no** Federal Laws involved in **a 1955** Criminal Case. **Did** DE\APE(ATF) **attempted removal** (of State Governor's Pardon for a **rePardoning by** DE\APE (Justice Dept.))**Violate** PL\APA'S Cons't 5^{th} Amendment Right (Double Jeopardy)?

QUESTIONS PRESENTED FOR REVIEW

Q.6. Pursuant to **U.S. Constitution Article III.,Sec,. 2.,Paragraph 2.**(Exclusive Jurisdiction). Concerning **this** Foreign Ministers. **Even thought'** this Case **had no** complaint on Political Grounds. Did addition of **extra** Party Violate?

Q.7. Did **D.Court** Grant a Premature **Motion to Dismiss?**

Q.8. Did D.C. granted of **Motion to dismiss** Suffer from the Doctrine of **None-Delegation** (Exclusive Jurisdiction) ?

Q.9. Should D.C. have Declare an arrest of judgement (on jurisdiction grounds)?

Q.10. Did Answer to **(Q.5.) represent a DE\APE's failure to state a claim up** on which his **Motion to Dismiss** could be **sustained?**

Q.11. (ATF) Investigator got tainted, fraudulent Information given by DE\APEs (State and City) (05-129) **to stop PL\APA second Explosive Purchase Premit request. Will it be** allowed as evidence against the PL\APAs **good Name ?**

QUESTIONS PRESENTED FOR REVIEW

Q.12. Was the APP. Court's unrelated Case (05-129) Mixing a violation of PL\APA's **Constitutional Protection** against A **Bill of Attainder?**

Q.13. Was the **Bill of Attainder** a failure to state a claim up on which D.C. Granted **Dismiss Motions** could be sustained?

Q.14. Was the Attempted Case (05-129) Mixing of unrelated Case Matter a Violation of PL|APA'S constitutional Protection against **EX POST Fac'to** jeopardy?

Q. 15. Was the DE\APE'S removal of **State Pardon** to disqualify the PL\APA'S Application a Double Jeopardy?

Q.16. Is the DE\APEs Jurisdiction lawfully impowed to remove a **State Pardon?**

Q.17. DE\APEs were working in their Job scope. **Will complaint proceed** under the **("FTCA")**against the Government?

QUESTIONS PRESENTED FOR REVIEW

Q.18 DE\APEs failed to answered the **D.C. Summon**. Instead he Motion With in 10 for Dismissal. **Do the 10 Day Rule** apply in D.C. when the **Doctrine of Exclusive Jurisdiction** is in Play?

.Q.19. Pursuant to**(Exclusive Jurisdiction)** If the Doctrine is Superior against the 10 Day Rule has DE\APEs failure to state claim for relief ?
>>>>>>>>>>>>>>>>>>>>>>>>

PL\APA was forced to relocate and work under extreamly nugget terrain. This brought about a Leg injury From the less safe work Place.

Q.20. Due to DE\APE'S **Neglence will** PL\APA **be Compensated for his Injury?**

Q.21. Will Honorable Court **Award** Me **Punitive Payment?**

Q.23. PL\APA had a **First Permit for 39 Years.** Will the Honorable Court **Order** DE\APE **to release** the PL\APA'S **Rights for Second Mining Explosive Purchasing Permit ?**

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NOTICE

The Defendants \ Appellee will be known as **DE\APE**

The Plaintiff \ Appellant will be known as **PL\APA**

District court will be known D.C.

<<<<<<<<<<<<<<<<<<<<<<>>>>>>>>>>>>>>>>>>>>>>

Appearince

COME NOW' The Plaintiff \ Appellant Moving the Honorable Court by Motion to proceed **PRO HAC VICE Pro SE Counsel.**

If Granted It Will Not Prejudice the Defendant \ Appellee in any Way , and it would be consistent with Justice.

Plaintiff thank the Honorable U.S. Court.

William Lord Punchard

William Lord Punchard Pro Se Counsel

PARTIES TO THE CASE

Ca.CIV-05-130 JH\WDS APP.06-2076

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DEPARTMENT OF JUSTICE; BUREAU OF

ALCOHOL,TOBACCO, FIREARMS, AND EXPLOSIVES,

CAARL W. CORROLL Explosive Program Chief..

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Court Jurisdiction

This court has Jurisdictional pursuant to U.S. Constitution Bill of Rights, **ARTICLE VII:** Trial by Jury; **ARTICLE IV** Unreasonable seizure, Lack of Due Process; **ARTICLE V**, to be secure in papers; deprived; The **CONSPIRACY** with Civil Right **Act of 1871,** Attempting to Regulate Differently, Political Red Line; **ARTICLE I, Section 10,paragraph 1.** Attempting Determined letters of Political Royalty, to act out side U.S. Court Jurisdiction; **Bill of Attainder, EX POST FAC'TO** ; this Court has Jurisdiction.

JURISDICTIONAL STATEMENT

This case is coming from the **tenth Circuit.**

Court of Appeals Date of Disposition is **December 28**

2006.number **CV-o6-2076.**

This case was filed in **Federal District Court**

January 4,2005 De Nova ,and did Amended complaint

2\23\2005.This case was served originally on attorneys

2,07,2005 number **CV-05-139** ;

HISTORY (05-130),(APP. 2076)

This case began under the **U.S. Department of the Treasury** . DE\APE (A.T.F.& Explosive) was Petitioned by the PL\APA for a **Second Mining Explosive Permit** to Purchase Mining Supplies for his Business. 40 years ago the DE\APE(A.T.F.) ask the PL\APA to not make Home Made Explosive for **his Mining Operation** . A First Explosive Permit was granted **(1964)**at the age of **33 years old.** Before a State Pardon **(1974)**was granted the PL\APA. **NOW!** The DE\APE Refused to Grant the **Second Permit (2003)**Stating that When the **now 69** Year Old PL\APA **was 18** Years Old (in **1955)** he got in to trouble and was convicted. According to the DE\APE the State's Governor's Pardoning of the PL\APA back in about **1975** is "**no good**". **But ! If** PL\APA **would Drop** the Application for the Permit he would then have a chance to Petition the Explosive Chief for a Presidential Pardon (federal)which would enable PL\APA to Purchase. PL\APA did as the DE\APE El Paso Office advised Him to do .(drop the Application). **The DE\APE Then made a**. (VII)

HISTORY

Administrative Change from the **U.S. Department of the Treasury** to the **U.S.Department of** Justice. This change their status for working for the Peoples to working as Government Attorneys. Causing a conspiracy of the two Departments on PL\APA'S Second Explosive Permit.

The DE\APE sent a Investigator out to check on the Application. The Investigator Came Accompanied by the Local Sheriff Department Officer. The Local Sheriff Office and the PL\APA'S Royal Embassy were not the Best of friends Because, of the sheriff's Office Participation in the State's Kid napping and False-Imprisonment and **Bill of Attainder EX Post Fac'to** Violations of the PL\APA'S(Foreign Minister). The PL\APA was to have a Private Interview with the Investigator instead' the Sheriff was allowed to sit in on the interview. The State had no State position to sit in on the Interview. The Investigator ear was feed Mis leading Statements by the Local City Police Department Chief and

Fellow Officers. **Trashing the interview**. Remember" Thease were the same DE\APE found in case (APP. 2222) . But! the Investigator never Knew that the Police Officers and PL\APA were at Litigation in U.S. District Court.(05-129)(APP. 222). The Local **State District Court** acted with the help of the **State Legislature** to pass a **Bill of Attainder, EX POST FAC'TO** to cover the State District Court's State Terrorism. **Falsifying the Court Records** for their LEGAL Protection. **You SEE**! PL\APA is a Foreign Government Minister, **Not a Citizen Under the States Jurisdiction at the Time** of their Kidnapping of the PL\APA. Never the less! The A.T.F. Investigator collected all the information the DE\APE maliciously attempted slander with over the years . **But! there is no Convictions!** DE\APE (A.T.F.) admitted that there is no proof of wrong doing but Hold the Pardon to bee Moot. **This Violated the PL\APA'S 1871 Civil Rights** , and **U.S. Constitutional Bill of Rights 5th Amendment(Double jeopardy).** DE\APE Action were the work of two

HISTORY(APP. 2076)

Departments Thus' Making a Conspiracy to Deprive the Fourth **Amendment Right** (secure in his papers) **as a investro.**

SECOND, The PL\APA P[illegible]ING Forced to Relocate HIS WORK TO A more Dangerous location due to DE\APE Deprivation of **Second** Explosive Supplies. PL\APA was injured. PL\APA never had a mining injury at the Original Site, But' because of the disability placed on him by the DE\APE he became injured. Pl\APA being Aggrieved he filed a Complaint to gain his Mining Supplies Permit ;But, **not involving** any Royal Government claim as a Party.

District Court(DC) granted a Motion to dismiss to DE\APE. DC'S Set a side his Suffering from the Doctrine of None Delegation (no jurisdiction). DC never the less over looked PL\APA (Foreign Minister) Foreign Agent Status Pursuant to Constitution, Article III ,Section 2., Paragraph 2. (Exclusive Jurisdiction) which Guaranting Supreme Court interning and hearing with final Disposition.

STATEMENTS OF THE CASE(05-130)

1. **DOUBLE JEOPARDY(05-130)**
Pursuant to RULE 12.(B)(6)

Pursuant to actions made by the Appeals Court (**EXHIBIT OO**) (DC. Civ. **05-129**-JH\KBM: APP. 05-**2222**,)**and,** (DC. Civ.**05-130**-JH\WDS : APP. **06-2076**) Has caused a **Double Jeopardy** that **has prejudiced** the Plaintiffs. The sitting of **two Deferent** unrelated DC Courts **(JH\KBM) AND, (JH\WDS).** The mixing of the **two (2) unrelated** Cases has caused one to Prejudice the other. Thus' Violating PL\APA'S **U.S. Constitutional ,5 th Amendment**

2. **PROFF OF PREJUDICE**
Pursuant to RULE 12.(B)(6)

Pursuant to (EXHIBIT 00) The CAPTION (**page 1. Paragraph 4.**)in this Case **Civ-05-130** has been so prejudiced by the **unrelated Case Civ. 05-129.** ; That the Appeals Court **now has added a third unrelated Party** to

STATEMENTS OF THE CASE (05-130)

Civ. 05-130 Caption.

PLEASE SEE: (EXHIBIT 00) Page 1., Paragraph 4.

(Royal Democratic Continental States(Sudan) Africa Government). The PL\APA being a foreign Government Minister **Never invoked** nor **Petitioned** (05-130)his Government as a Party in this matter.

3. **RES JUDICA'TA [Do.No. 44],(05-130**
Pursuant to RULE 8(a).

In case 05-130 the **(EXHIBIT B), (APP. 9)**suffers from the Doctrine of **res judaca"a :** This DC .Order [Do. No.44]Was issued originally as **a interlocutory** Court order in case 05-130. It was Appeal **Timely (20 Days)** to appeals Court **.[APP. 2255]**.by the PL\APA . The **DC**. Failed to Certify in Time So' Appeals Court rejected and close the case. **Thus'** making **{Do.No. 44] , (APP. 9) Moot** and, **res judaca'ta** for use in Present Case APP. **06-2076 ,DC. Civ. No.05-130.**

STATEMENTSOF THE CASE(05-130)

.4. **BARRED [Do. No. 44] (05-130) Pursuant to RULE 8(A).**

DC. Later gave a final Order[Doc. No. 44) **with out** a proper accompanying information to show reason for dismisal. **[Do.No. 44]** being good Pursuant to **Stockman's Water Co., Vs, Vaca Partners, 425 F.3d 1263, 1265(10th Cir.2005).** for interlocutory Certification in Case App. 2255, **Now suffers from Doctrine of Barr.** The Final Order now filed in a **New Appeal No. 05-2076** is tainted and, Barred as a Exhibit for explaining findings **by res judaca'ta** from closed case No. **App. 2255..**

5. **TAINTED INVESTIGATION (05-130) Pursuant to RULE 12(b)(6).**

(A.T.F.) Investigator(05-130) was misled by Local DE\APE while they was under Civil Federal Indictment **(05-2222).** The Local City Police Department Chief and ,Local Sheriff Officers that Accompanied the investigator gave

STATEMENT OF THE CASE (05-130)(APP. 2076)
Pursuant to RULE 12(B)(6)

. **Locals were under** miss leading Information to the (A.T.F.) Investigator**Federal Civil Indictment by AP\APA** . With out telling the (A.T.F.)investigator about **their** Federal Civil Indictment they Feed False information to Prejudice the (A.T.F.) Application.

6. SLANDER
Pursuant to RULE 12.(b)(6).

Slander by the False District Court **Records cover up** for instant Mental Hospital ! The State of New Mexico **Kidnapped the** AP\APA (Foreign Minister) **without a Federal Warrant Nor A state Warrant** and, attempted to hide Him away for 8 Years with out so Much as a Charge on Paper, and the State Hospital went to the State legislator and **Passed a State Bill to Cover** their State Misdeeds **(Bill Of Attainder, Ex Post Factor) to cover a false Record.**

STATEMENTS OF THE CASE (05-130)
Pursuant to RULE 12 (B)(6).

State had no extra-territorial Rights to make commitm-ents (foreign Minister) to Mental Hospital confinements. Such Action is **state International Terrorism**. State District Court Made up **Cover Story** of hideous Sex Crimes to cover **their Back Sides**. **Perjury** by **Police Chief** : claiming threats to a Justice. **(A.T.F.) Investigator** was given **perjury** statements. A **false** Picture of the **AP\APA** by the local authorities DE\APE **(Police Chief) in Case(APP. 2222).** **BUT' DE\APE WERE NOT UNDER SWORN OATH. The Chief is a Defendant! What did (A.T.F..) expect them to say! ? PLEASE SEE: (EXHIBIT:ADMINISTRATIVE Record (05-130) Page 16,17,18.).**

PI\APA have been in the Mining Business for **40 years,** And, has worked with a DE\APE **Explosive Permit safely** and, has conducted **responsible** mining business. PI\APA Seeks **Only** to work his Mines With Safe Explosive Supplies

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***1.** Local Politics is dirty! The DE\APA (State) Attempt to protect from Law Suit by **slander (Foreign Minister)** with Mental Hospital. The Record is **a Fraud!** It could take all of this **Brief's Pages and more** to point out all this **DE\APE'S** fraud.

STATEMENT OF THE CASE (05-130)(APP. 06-2076).
Pursuant To RULE 12(b)(6).

(a) **DE\APE** pointing to youth actions **50 years ago** and ,attempting to **deprive** PL\APA of **his state Pardon**. Which would violates the 5th Amendment (**Double Jeopardy**).

(b) PL\APA'S **Leg Injury** caused by DE\APE because of treating defiantly. Causing AP\APA to change Locations to save Company. This DE\APE Action violated PL\APA'S **Civil Rights Act of 1871**. Treating Applicant differently from other Applicant : **Philip Dodge Inc.; KennithCott COPPER Co.; Asarco Mining Inc.Etc.** DE\APE Actions Attempted to **Ostracize, and restrain Trade**. DE\APE Motioned moved to Dismiss. **Such' is a failure to state a claim or Motion up on which Relief could be granted.**

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*2. **NO PRIVATE INTERVIEW (05-130)(APP 06-2076**
Pursuant to RULE 12(b)(6).

The (A.T.F.) Investigator failed to interview the PL\APA in private. He allowed the **Local Sheriff Deputy** to take part in the Interview, **Dampering** the PL\APE response. PL\APA Threatened by the Local Sheriff Officer **Mark Jesso Because** , He and the PL\APA do not sit compatible. The interview is of a **Foreign Minister. State has no Federal seating.**. The Interview should have been more confidential , less Public. When PL\APA Stated he had Information on the **Strong Whole of Alkita Terrorist**... This

STATEMENTS OF THE CASE (APP. 2076),(05-130)

7.

BILL OF ATTAINDER,

The attempt to add a **third (3rd) party** (Royal continental Sudan Africa Government) to the Case 05-130),(APP. 2076) is a **Bill of attainder VIOLATES THE PL\APA'S Constitutional Rights, ARTICLE I., Sec. 10.,**

Paragraph 1. DE\APE attempt to prejudice the case by adding a third(3rd) Party . There is no complaint Petition made on the behalf of any Foreign Government. PL\APA'S International status as a Foreign Government Minister do not require his foreign investments (his government)to connect with his complaint. Pl\APA filed the Mining claims (1965) began working them as an American Citizen.. Working with explosive, the First (A.T.F.) Permit (1968)before acquiring foreign political Investment (1985). **Therefore'** DE\APE 'S **Bill of Attainder** is a failure to state a cause up on which relief could be granted. **RULE 8 (a).**

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*2. would require PL\APA to **disclose** where such Political Papers and International information is kept , to say nothing of the **U.S. Gov. Reward** ($25 Million) for privilege Information being disclosed in front **of adversary** seeking the **same Reward**.

STATEMENTS OF THE CASE(05-130),(APP. 2076)

EX POST FAC'TO

The Appeals Court application to the case with a **Extra Party was** did After it arrived in the Court of Appeals. Just as the Appeals Court attempted to combine Case **(APP. 2076)**, AND **(APP. 2222)** which **shares no** common subject Matter. The DE\APE conspired treating PL\APA differently. Violating **1871 Civil Rights**. with International Policy. The **EX Post Fac'to** attempt violates PL\APA'S Constitutional Rights, **Article i., Sec. 10., Paragraph** 1. And the **14th Amendment**. Thus ' failing to state a claim up on which relief Motion could be granted. **RULE 8(a). PLEASE SEE: (EXHIBIT H)**

*3

Before the PL\APA went International he was a State Criminal Justice Planning Commissioner for seven (7) Counties ; County Planning Commissioner; Police arbitration Board Commissioner; Man Power and human relations Commissioner. Candidate for county Judge; Candidate for City Judge ; War on Poverty Director; Scottish Right Fellow.

*4.

What the PL\APA is wanting is to go back to his mines with a **second Safe Working** Explosive Supplies permit. The Stopping of PL\APA'S Life time Work is restraint of Trade. A Second Explosive Purchasing Permit Is needed to move that amount of Mining earth over burden.

STATEMENT OF THE CASE (05-130)

9. DOCTRINE OF NONE-DELEGATION

The District Court had **no jurisdiction** to attempt to circumvent **the U.S. Court Exclusive jurisdiction** concerning Conflict between a State or /and United States and a foreign state and, or foreign Minister it's a ("FTCA") Matter. Pursuant to U.S. constitution , **Article III., Section 2., Paragraph** 2. The only action the District Court should have did is to review the complaint and Order it to U.S. Court.

10. INTERLOCKTORY,

The **Appeals Court Statements** on Page (APP.3),(Hi-lighted) shows that District Court's subject matter **Motion to Dismiss** was **not supported** by the Appeals Court. DE\APE attempted Political **Mixing** Status (APP.2222) **with** (APP. 2067). Appeals Court position is **"We treated as we has done before,"** they denied **Due Process Protection and Service. Such Bosting ! and , Entrapping U.S. Court who gave them favor in 6 Cases,now look incompent or as fools.** **Yes!** PL\APA is a Registered Foreign Government Agent **But!**

STATEMENT OF THE CASE(05-130)

PL\APA'S Explosive Application complaint Case App. 2076(05-130) **did not precede** on any Political Status. **Thus** ' DE\APE failure to give service and **Attempted Mixing** is a Failure to State a Claim up on which DE\APE'S **Relief Motion** could be Granted. **PLEASE SEE: (EXHIBIT 00).** DE\APE Attempted to treat the PL\AP, Differently is a Conspiracy with local State and **Treasury Dept.**.It's Action violates PL\APA'S **Civil Rights Act of 1871 . PLEASE SEE: (EXHIBIT H).**

11. IMMUNITY,

Because, the DE\APES (**Justice Dept**)Action are carried out with the DE\APE (**A.T.F.**) their violation of PL\APA'S **Civil Rights Act of 1871 there is no APA Immunity .** All was acting with in their Work scope **therefore,** the Government is the Proper DE\APE (U.S.). al so **Slanding** the PI\APA, deprivation is not the Normal treatment for Persons whom has 39 years of **good history** with first Explosive permit. **21 ½ years of that with foreign Diplomatic status .** DE\APE wrongly seized Constitutional 4th amendment Rights.

REASON FOR GRANTING

1.. PL\APA have Mined with Explosive 40 years. Has a Foreign Agent Title for **21 Years**, registered in DE\APE(U.S. Department Justice). App.Court failed to Service the PL\APAs Appeal Case. **Pursuant to RULE 901 (8)(C). FED, R. of Evidence.** Service rejection is **lack of due process** ,and **Moot.**

2. Pursuant to **U.S. V, Belmont Bank 301 U.S. 324 (1937)** PL\APA have Diplomatic Relations With Bush Administration. App. Court suffers **Doctren of none Delegation** (Jurisdiction). **PLEASE SEE: (EXHIBIT E).** Overturned **D.C.** Disposition.

3. Appeals Court **attempted Mixing** of unrelated Cases is a violation of PL\Apa's **Constitutional Protection Article I. Sec. 10., Paragraph** 1..(Bill of Attainder, EX POST FAC'TO) **PLEASE SEE: (EXHIBIT 00).** App.Court failed to state a claim up on which **Dismiss Motion** could be sustained.

4. App. Court **Mixing** of Cases did **Doubled Jeopardy** against PL\APAs Constitutional ,Article V Amendment. **PLEASE SEE: (EXHIBIT 00) Page one.**

REASON FOR GRANTING

5. DE\APE (DEPARTMENT OF JUSTICE) **implementation,** and **seizure** Actions against PL\APA is not the Normal actions of DE\APE., Their actions taken Place with in their Job scope Thus' a **("FTCA")** action against the Government is correct. DE\APEs Treating Differently Violates PL\APA **Civil Right Act of 1871.PLEASE SEE: Constitut ional, Article I.,Sec10.,Paragraph 1.(Letters of Reprisal).**

6. Pursuant to **U.S. constitution Article III.Sec 2., Paragraph 2.** The U.S. Court has exclusive Jurisdiction **concern Minister.** D.C.'s Disposition suffers **Doctrine of none delegation** . DE\APEs failed to state a cause up on which relief could be granted.

7. DE\APEs **(Treasury Dept & Justice Dept)** has deprived PL\APA'S. Stopping Business of Mining is **reprisal**, restraint of trade and violated U.S. constitution, Article IV Amendment. **Acts of Conspiracy with Civil Right here** DE\APEs has **no claim to Immunity from ("FTCA"). SEE: (EXHIBIT H)**

CONCLUSIONS

The PL\APA have Mining Federal Leases , and has a good , and **safe working History** with Explosive for **39 Years.** The DE\APE Inspector should have completed his Application Investigation by asking the PL\APA's Neighbors And the Persons that sign the Application. **A Private Interview would have Protected the PL\APA**. The A.T.F no longer work out of a none- threading Department but' now are the President's Attorneys. **The Marinade Rights** Doctrine is in Play now that Department of Justice is Home Office. It is clear that PL\APA Pass Mistakes as a youth has **Been forgiven** and **his Pardon by the State Supercedes** any **Department Hysteria** by the DE\APE. PL\ApA had a **Premit 19 Years** before he had a Pardon Because the PL\APA History of State Government Law enforcement is out standing there is no Probable Cause to with hold his Work related Application for Safe Explosive Supplies. **He Has shows Probable cause for the supplies Permit** use.

As to his injuries suffered due to DE\APE'S negligence and hysteria PL\APA should be compensated Justly.

We Respectfully submit our concerns on the Brief. No Oriel arguments requested

Thus' having no more business before the Honorable Court the Plaintiff-Appellants thank the Honorable Court.

2/19/2007 William Lord Punchard

William Lord PUNCHARD Pro Se counsel
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Deming, New Mexico 88030
(505) 546-5434

I certify that I have mailed a copy to the Defendants Prtys on this date 2/20 2007

William L Punchard **William Lord Punchard Pro se**
William Lord Punchard Pro Se Counsel

(EXHIBIT 00)

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

William Lord PUNCHARD,Royal Democratic States of Continental (sudan) Africa Government, Plaintiff-Appellant, V, UNITED STATES GOVERNMENT; GEORGE W. BUSH, President; STATE OF NEW MEXICO; Bill RICHERSON, Governor; DEBBIE CLARK, New Mexico Children Protective Youth and Families Department; New Mexico Sixth Judicial District Court; Gary Jeffries, Judge; U.S. DEPARTMENT OF STATE; Condoleeza RICE, U.S. Secretary of State; ADRIAN FLORIS, Sergeant; DEMING CITY POLICE DEPARTMENT, Defendant-Appellees.	FILED United States Court of Appeals circuit TenthCircuit December 28,2006 Elisabeth A. Shumaker Clerk of Court No. 05-2222 (D. New Mexico) (D.Ct.No.CIV-05-129 JH/KBM
William Lord PUNCHARD,Royal Democratic States of Continental (Sudan) Africa Government, Plaintiff-Appellant V, UNITED STATES DEPARTMENT OF JUSTICE; BUREAU OF ALCOHOL,TOBACCO, FIREARMS AND EXPLOSIVES; CARL W. CARROLL, Exliosive Program chief, Defendant-Appellants.	No. 06-2076 (D. New Mexico) (D.Ct.No.CIV-05130 JH/WDS)

(APP. 0)

ORDER AND JUDGEMENT

Before **HENRY, BRISCOE, O'BRIEN,**Circuit Judgess.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *see* Fed. R., App.P. 34(a)(2); 10th Cir. R. 34.1 (G). The case is therefore ordered submitted without oral argument.

This case concerns the consolidated *Pro se* appeals of William Lord Punchard Challenging the dismissal of two separate Lawsuits. 1 In his first suit, Punchard filed numerous claims against the President of the United States , the Secretary of State, the United States Government, Governor Bill Richardson, the State of New Mexico , Debbie Clark, Children, Youth Families Department, the

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* This order and judgement is not binding precedent except under the doctrines of law of the case, res judicata and collateral estoppel. It may be cited, however, for its presuasive value consistent with Fed. R App. P. 32.1 (eff. Dec. 1 2006) and 10th Cir. R. 32.1(eff. Jan. 1,2007).

1. Because Punchard appear *Pro se* , We construe his pleadings liberally. Ledbeller V, City of Topeka, Kan., 318 F.3d 1183, 1187 (10th Cir. 2003).

Sixth Judicial District Court, District Judge Gary Jefferies, the Deming City Police Department, and Sargent Adrian Flores all arising from the removal , by the Police department , of two minors from Punchard's automobile(Case # 05-2222). Punchard's second suit encompassed a number of claims filed against the President of the United States, the Bureau of Alcohol, Tobacco, Firearms and Explosives(ATF) and ATF Arson and Explosive Program Chief Carson W. Carroll, all arising from the denial of his application to the ATF for a permit to Purchase Explosives (Case # 06-2076). Exercising jurisdiction pursuant to 28 U.S.C. Sec. 1291, We AFFIRM.

Discussion

This is not our first introduction to Punchard's legal complaints. *See punchard v, New Mexico,* 956 F.2d 278(10 th Cir. 1992)(Unpublished; *Punchard V, New Mexico* ,69 F.3d 548 (10th Cir.1995)(unpublished); *Punchard v, Luna County Comm'n. 116F3d 489 (10th Cir. 1997)*(unpublished);Punchard V, Luna County Comm'n,202 F3d 282 (10th Cir. 2000)(unpublished). In previous filings with the district court

and this Court, Punchard has described himself as the head of State for a non-existent Royal Democratic States of Continental (Sudan) Africa Government, **As we have done before , we disregard any reference of arguments Punchard makes that depends on that alleged entity's existence,** ***see Punchard V, New Mexico*** **, 56 Fed. Appx. 443,444 (10th Cir. 2003)(unpublished); and** ***Punchard V, the Bureau of Land Mgmt., Appx.*** **817,818. (10th Cir.)(unpublished);cert. Denied. –SCt.—2006 WL 3037654 (2006).** Additionally, we note that Punchard's propositions in both appeals are difficult to understand and are not supported by cogent arguments or legal authority. We will not "manufacture a partu's argument on appeal when it has failed in its burden to draw attention to the error below." *Nat'l Commodity & Barter Assoc. V, Gibbs, 886 F2d 1240, 1244 (10th Cir 1989).*

1. Jurisdiction on appeal

Case # 05-2222, Civil Complaints Against Federal , State and Local Entities

Punchard initially appealed from the district court's June 23, 2005 order granting the Federal defendants' motion to dismiss. In its order, the district court determined (10 Punchard's complaint and amended complaint was unintelligible and did not comply with Rule 8(a); (2) he failed to state a claim pursuant to Rule 12(b)(6) against any of the named federal defendants ; (3) he did not alleged any grounds for waver of sovereign immunity. At that time, the district court had not adjudicated the remaining claims againsst several state defendants and the Deming City Police Department. **Thus'** the June 23,2005 decision was not a final order,

On December 14, 2005 the district court granted the Deming City Police's Motion to dismiss for failure to state a claim. And on March 30, 2006 , The District Court granted the

***2 Since the case involved several federal, state and local government entities including named parties, we have grouped all of the federal defendants together (federal defendants), all of the state defendants to gather (State defendants) and the Deming City Police Department defendants together (Deming City Police).** **(APP. 4)**

state defendants' motion to dismiss for the same reasons it dismissed the claims against the federal defendants. The District Court then entered a separate final judgement of the entire case. Because the district court entered a separate final judgment, Punchard's July 15, 2005 appeal (federal defendants) become ripe on March 30, 2006. *See lewis v. b.f. goodrich Co.* 850 F2d 641,645 (10th Cir. 1988) (Fed. R..App.P.4(a)(2) permits a notice of appeal, filed prematurely, to ripen once final judgement has been rendered).

After final judgment had been rendered, Punchard did not file a formal notice of appeal from the district court's December 14, 2005 Order (Deming City Police) and March 30, 2006 order(state defendants) and final judgement. Never the less, we treat Punchard's opening brief filed with this court on April 19, 2006, as the functional equivalent of a timely appeal as to the later orders and final judgement. *See* Smith V, Barry, 502 U.S. 244,248-49 (1992) ("if a document filed with in the time specified by rule 4 gives the notice required by

Rule 3, it is affective as a notice of appeal."). Accordingly, we have jurisdiction under 18 U.S.C. Sec. 12 91.

Case #06-2076, District Court review of Agency Decision.

Punchard appeals from the district court's decision on the merits that ATF properly denied, in accordance with APA Prcedures, Punchard's application for 18 U.S.C.Sec.845(b) relief from disabilities regarding the right to purchase Explosives. The District Court determined that the ATF decision" was neither argitrary, nor capricious, nor an abuse of its discretion," (R. Vol. 1 Doc. 44) Additionally , the district court found that ATF acted with in the scope of its authority and complied with prescribed APA Procedures. The District Court entered its final judgement o February 23, 2006, and a timely appeal followed.

2. Merits

We have thoroughly reviewed all of the numerous documents filed by Puchard in this appeal and have reviewed *de nova* the district court's final judgements in favor of the defendants and the entire record on appeal . During this

review, we labored to understand Punchard' s incoherent ramblings and issues on appeal. Never the less, our review demonstrates the district court's resolution in this case was substantially correct. The final judgement of the District court in Case number –5-222 and case number 06-2076 is AFFIRMED for the reasons set out in the court's orders. All pending motions are hereby DENIED.

Entered by the Court:
Terrence L. O'Brien
United states Circuit Judge

(EXHIBIT A)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WILLIAM LORD PUNCHARD
Plaintiff. **Case No. 05-130**

Vs,
UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES.
CARL W. CARROLL, Explosive Program Chief,
Defendants.

FINAL JUDGEMENT

Having reviewed the Defendants' administrative decision under the Administrative Procedures Act and, in an Order entered contemporancously with the Final Judgement, having found in favor of Defendants,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that final judgement is entered in favor of the Defendants, and this cause is dismissed with prejudice.

Judith Herrera
UNITED STATES DISTRICT JUDGE

(EXHIBIT B) , **[Doc. No. 44]**

(APP. 2255)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WILLIAM LORD PUNCHARD
Plaintiff,

V , **Civ. No. 05-130 JH\WDS**

UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; CARL W. CARRROLL, Explosive Program Chief,

Defendants.

ORDER

This matter is before the Court pursuant to the Administrative Procedures Act ("APA"), 5 u.s.c.a.Sec. 701 et seq.. Though that statute, Plaintiff William Lord Punchard ("Punchard")seeks judicial review of an administrative decision by the Bureau of Alcohol, Tobacco, Firearms and Explosives("ATF"") denying his application for relief form certain disabilities regarding the right to purchase explosives.

The Court has reviewed the briefs on the merits submitted by the parties! {Doc.No.35,37,

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*1. In a Memorandum opinion and Order entered July 14, 2005, this Court set a Briefing schedule for Punchard's appeal under the "APA" that repuired him to file his opening brief no later than August 8, 2005, He failed to do so, and the Government filed a Motion for order to show cause, which the Court granted, In an Order to Show Cause entered

(APP.9)

(EXHIBIT B) [Doc No. 44] Civ 05-130

*1. (APP. 2255)

December 16,2005., the Court ordered Punchard to show cause in writing no later than **December 30, 2005** as to why his claim under the apa should not be dismissed for failure to prosecute, In that Order, the Court explicitly warned Punchard that failure to comply with terms could result in the dismissal of his claim . However' , Punchard did not show cause in writing as to why he failed to comply with the briefing schedule, In stead, on January 3,,2006, he filed his brief on the merits, which does not show Cause as required by the December 16,2005 Order. Thus, the Court finds that Punchard's non-compliance with the Order to show cause is an adequate alternative grounds for dismissal of his APA claim. However, the Court al so has evaluated the APA claim on its merits, as discussed herein, and dismisses on that ground as well'.

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and 391, the administrative record relevant to this appeal [Doc. No 11], and the applicable law. After considering all of those materials, the Court concludes that the decision by the ATA to deny Punchard's Application was neither argitrary , nor capricious, nor an abuse of its discretion. In addition, the ATF acted with in the scope of its authority and complied with prescribed procedures. Accordingly , the Court will enter final judgement in faveor of the Defendants.

Also pending are Plaintiff's Motion for Summary Judgement **[Doc No. 40]**. And Plaintiff,s Motion to continue Sagely Mining ubnder a Second Explosive Purchasing Permit **[Doc No.38]**, Both of these Motions gho to the propriety of ATF's administratibe decision that was addressed in the briefs on the merits of the APA claim. Accordingly, both motions will be denied as moot. **(APP. 10)**

IT IS THEREFORE ORDERED THAT Plaintiff,s Motion for summary judgment [Doc. No. 40] and Plaintiff,s Motion to continue Safely Mining Under a **Second Explosive Purchasing Permit** [Doc. No. 38] are **DENIED AS MOOT.** A final judgment in favor of Defendants on Plaintiff's sole remaining claim under the APA will be entered contemporaneously with this Order.

Judith Harrera
United States District Judge

(EXHIBIT E)

U.S.

<SEAL> UNITED STATES DEPARTMENT OF STATE

Washington, D.C. **20520 April 29,2003**

Dear Mr, Punchard

The **White House** has asked me to respond to your letter to **President Bush** about Sudan.

The Administration shares your concerns for the **Peoples of Sudan** who have suffered aerial bombing, slave fading, forced Displacement, and religious persecution as a result of the 20 years conflict. We believe the opportunity to end these human tragedies is possible by securing a just and lasting peace.

We are encouraged by the peace negotiations in Kenya between the warring parties, the Government of Sudan and the Sudan Peoples's Liberation Movement/ Army (spim/a).

Both parties signed an agreement in October 2002 to cease hostilities and allow unimpeded humanitarian access to all areas of Sudan. As a result, aerial bombardment has ceased Fighting has been reduced , and some previously unreachable areas are now receiving Food aid. .....

.....in support of peace talks , the u.s. established a Civilian Protection monitoring Team (CPTM) to investigate attacks on Civilians,.....

.....The President signed the Sudan Peace Act in to Law October 21 and the Administration is actively engaged in realizing it's goal. A just and lasting peace for all the peoples of Sudan,.....

Sincerely,

Ambassador Michael Ranneberger

special advisor for Sudan Bureau of African Affeirs.

(EXHIBIT F)

U.S., V, BELMONT BANK , 301 U.S.

324 (1937) the opinion of J. Southerland Opion.....

...We are of the opinion that no state policy can prevail against the international compact here involved. The President the Recognition ["the"] and , normal diplomatic relations were establishment, ...and agreement with respect thereto, were all part of one transaction, resulting in an international compact between the two governments. .....And in respect of what was done here, the Executive had authority to speak as the sole organ of that Government. ....in respect of all international negotiation and compacts, and in respect of our foreign relations generally , state lines disappear . As to such purposes the state of ["the"] does not exist....Our constitution, Laws and Policies have no extra-territorial operation,...

(APP. 13)

(EXHIBIT G)

McNair V, U.S. Postal Service, 446 F.Supp. 1156

Action was instituted on complaint against the Postal Service and an employee thereof for injuries sustained by plaintiff when struck by a vehicle controlled by the employee. On motion of defendants to dismiss, the District Court , Wm. Matthew Byrne, Jr. , J., held that : **(1) district court did not have subject matter jurisdiction** to entertain claim against the Postal Service since it was **a federal agency** and , hence the exclusive remedy was **the Federal tort Claims Act and the appropriate defendant was the United states, and (2)** District court also lacked jurisdiction with respect to individual defendant in that the plaintiff alleged that individual was **acting within their purpose and scope of her employment** with a federal agency and the only remedy available was an action against the United States.

Motion Granted .

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(EXHIBIT H)

(C.A. Ky. 1968) Although defendant physicians, individual members of county hospital commission, did not exercise government power of the commission. Plaintiff hospital medical staff member could never the less maintain an action against the physicians under Civil **Rights Act of 1871,** Since the complaint charged that **they conspired with state officials** to deprive plaintiff of equal protection of the law by **applying standards to him deferent than** those applied in other staff physicians. **42 U.S.C.A. Sec. 1983, 1985(3)—Meredith, V, Allen County War Memorial Hospital Commission**, 397 F.2d 33.